



ANNUAL REPORT

OFFICE OF THE CHIEF JUDGE

PROVINCIAL COURTS (FAMILY DIVISION)

1978-9

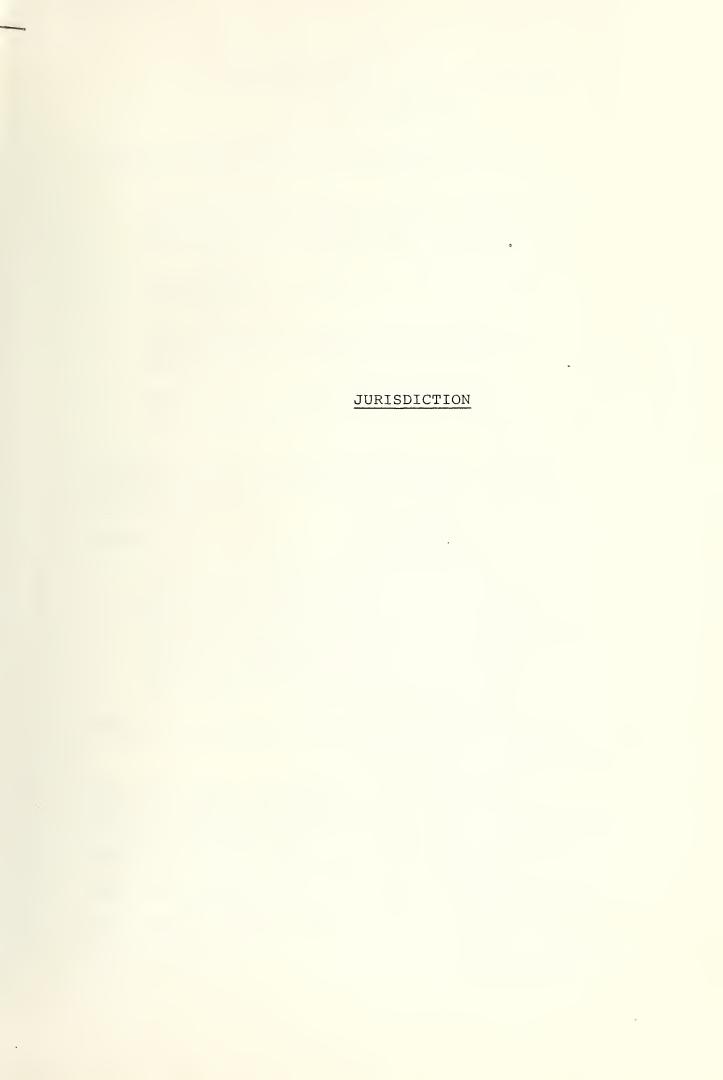
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SUBMITTED: MAY 1979

KF 180 Annual report: Provincial Courts O686 [Family Division]

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PROVINCIAL COURTS (FAMILY DIVISION)

JURISDICTION

The jurisdiction of the Provincial Courts (Family Division) falls into four categories:

- 1. Prosecutions in respect of the criminal conduct of infant offenders and criminal conduct against infant victims (i.e., juvenile delinquency and contributing to delinquency).
- 2. Proceedings in respect of child protection and neglect.
- 3. Inter-spousal rights and obligations (i.e., support, freedom from molestation, possession of the matrimonial home).
- 4. Parent-child rights and obligations (i.e., support, custody, access, freedom from molestation).

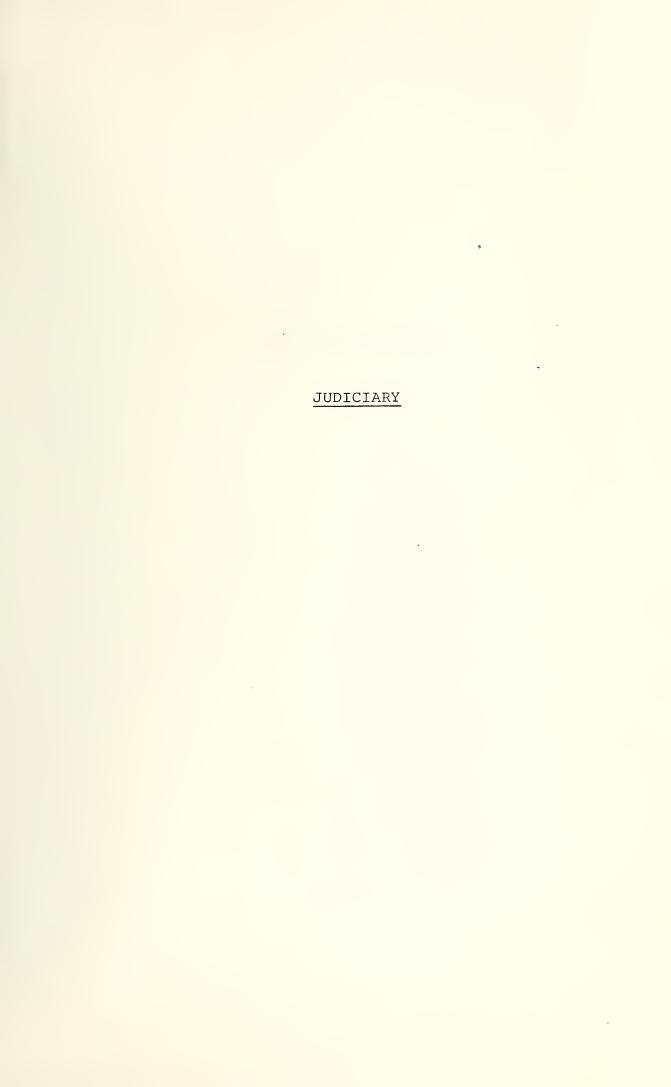
By virtue of The Provincial Courts Act, the court interprets and applies the law contained in the following statutes, administered by the department of government noted:

CRIMINAL CODE of Canada - Federal Department of Justice:

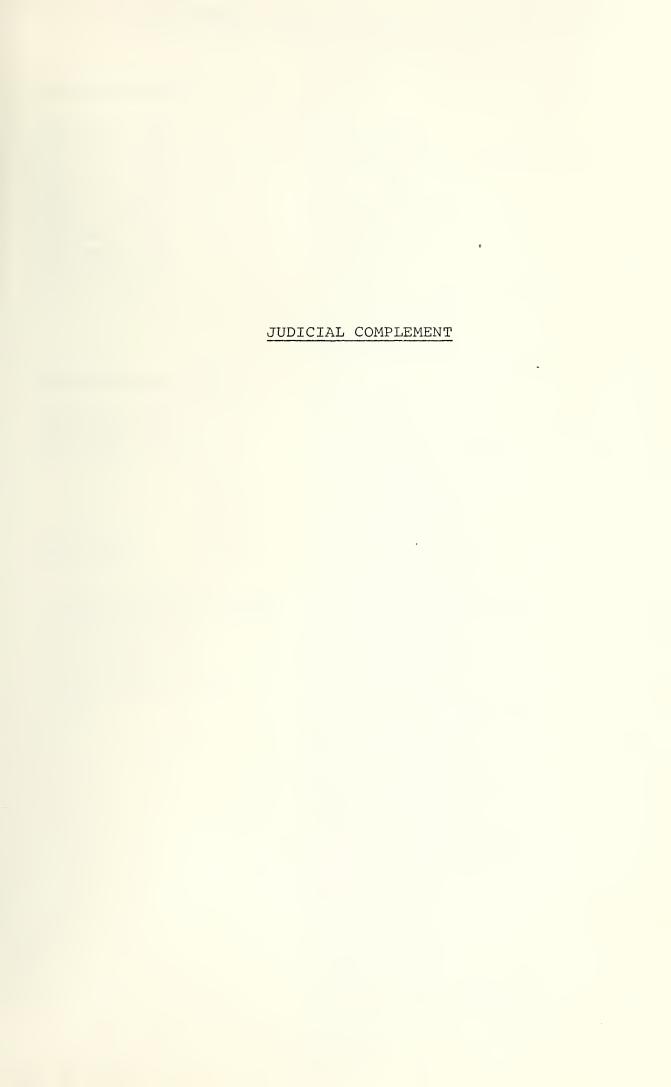
In respect of intra-familial crimes (e.g., assaults, threatening, incest), Provincial Judges who ordinarily preside over the Provincial Courts (Family Division) hear these matters, but as they are conducted under the Criminal Code of Canada, the Judge must reconstitute the Court as a Provincial Court (Criminal Division).

JUVENILE DELINQUENTS ACT of Car	nada -	Federal Department of the Attorney General
THE FAMILY LAW REFORM ACT -)	
THE RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT -)))	Ontario Ministry of the Attorney General
THE MINORS' PROTECTION ACT -)	Accorney General
THE CHILD WELFARE ACT -)	Ontario Ministry of Community &
THE TRAINING SCHOOLS ACT -	j	Social Services
THE EDUCATION ACT -		Ontario Ministry of Education











AS AT MARCH 31, 1979

CRIMINAL/FAMILY FAMILY Bogusky, R.E. Abella, R.S. Caldbick, J.H. Allen, J.B. Andrews, H.T.G. (Chief Judge) Cloutier, G.E. Deacon, J.A. Babe, M.W. Ball, C.R. Gauthier, H.W. Bean, D.A. Geiger, L.S. Beaulieu, L.A. Kenrick, E.W. McKenzie, D.A. Bennett, J.F. McLennan, A.D. Bick, H.H. Mitchell, R.B. Budgell, R.L. Smith, D.C. Creighton, W.W. (Per Diem) De Koning, L.G. Docherty, T.L. Donald, R.H. Durham, W.L. Egener, F.T. (Per Diem) Evans, J.J. Fair, R.H. UNIFIED FAMILY COURT Felstiner, J.P. Gravely, R.T.P. Fisher, F.S. Steinberg, D.M. Van Duzer, J.E. Fox, W.H. (Per Diem) Fuller, A.J. Gammell, J.M. Genest, M.H. Glowacki, P.S. Golden, W.F. Goulard, G.Y. (On Leave) BREAKDOWN: Guzzo, G.J. Hamilton, R.J. 1 Chief Judge Hamlyn, P.D. Holder, G.D. (Part-Time) 1 Associate Chief Judge 48 F/T Fam. Div. James, J.C.M. 6 P/D Fam. Div. Karswick, J.D. 1 P/T Fam. Div. Kent, D.F. 2 On Leave Kirkland, D.K. 11 F/T Crim/Fam. Div. Lalande, R. 3 UFC Little, W.T. (Per Diem) MacLatchy, W.E. Main, D.R. 73 Maloney, M.C. Michel, J.P. Moore, T.M. Morrison, D.F. Morton, M.D. Nasmith, A.P. Nighswander, Q.L. (Per Diem) Pickett, W.J. Robson, J.T. Runciman, R.T. Slater, H.J. Stauth, R.E. Thompson, B.C. Thompson, B.E. Thomson, G.M. (On Leave) Wallace, G.E. (Per Diem) Walmsley, R.J.K. (Associate Chief Wang, K. Judge) Weisman, N.

Wilkins, H.D.



PROVINCIAL COURT (FAMILY DIVISION)

JUDICIAL COMPLEMENT AS AT MARCH 31, 1979

Full-Time Family Division	50
Per Diem/Part-Time Family Division	7
On Leave	2
Serving Criminal & Family Divisions	11
Serving Unified Family Court	3
TOTAL COMPLEMENT	73

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PROVINCIAL COURT (FAMILY DIVISION) JUDICIAL APPOINTMENTS AND RETIREMENTS FOR THE FISCAL YEAR ENDING MARCH 31, 1979

APPOINTMENTS

Judge R.J.K. Walmsley as Associate Chief Judge - October 4, 1978

Judge Richard H. Donald - Durham - July 17, 1978

Judge Garry J. Guzzo - Ottawa - November 14, 1978

Judge D. Kent Kirkland - Hastings - March 5, 1979

RETIREMENTS

Judge H.W. McNeill - Durham - April 30, 1978

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TRAINING AND DEVELOPMENT



TRAINING AND DEVELOPMENT

JUDICIAL

1. Programs for the Judiciary were held in:

2. The Canadian Association of Provincial Court Judges sponsored a program in Vancouver, November 5-11, for newly-appointed Judges.

Ontario Judges attending:

Chief Judge H. T. G. Andrews (Instructor at Program)

Associate Chief Judge R. J. K. Walmsley Judge R. H. Donald Judge J. M. Gammell

OTHERS

The Chief Judge's Law Clerk and Executive Assistant prepared and conducted training programs on the Family Law Reform Act for members of the Provincial Benefits Branch of the Ministry of Community and Social Services and staff of the Department of Social Services, Metropolitan Toronto, at the following centres:

1978

Toronto	May 9-10
Toronto	-
Waterloo	June 23
North Bay	June 29
Hamilton	
Belleville	
Hamilton	
Toronto	
Thunder Bay	
Toronto	
Toronto	
Toronto	
Toronto	

1979

Toronto January 10 Toronto January 17

(More than 800 persons were trained at these programs.)



SUMMER STUDENTS

Twenty six Courts participated in the 'Experience 78' Summer Student Program of the Youth Secretariat. 3,453 applications were received by the Office of the Chief Judge for the sixty-eight positions available. Fifty students were from Faculties of Law, eighteen from other disciplines.

Independent of the Experience '78 Program, six students conducted research for the Office of the Chief Judge on the following subjects:

- A) Joint Custody.
- B) Defences to truancy.
- c) Constitutionality of Provincial Support and Custody Laws in the face of the Federal Divorce Act.
- d) Extra Provincial enforcement of Custody Orders.
- e) No fault custody.
- f) The effectiveness of Maintenance Orders over a five year period.

TRAINING MANUALS

Manuals were written and produced by the staff of the Office of the Chief Judge for Judicial Training Programs in Toronto and Vancouver.

A Training Manual was written by the staff of the Chief Judge's Office for Family Law Reform Act programs. Two thousand copies were produced by the Ministry of Community and Social Services for their field personnel.



SPECIAL CONFERENCES ATTENDED BY JUDGES OF THE PROVINCIAL COURT (FAMILY DIVISION)

April 1, 1978 - March 31, 1979

May, 1978 - a) Association of Family Conciliation Courts Conferences, Vancouver

Judge J.E. Van Duzer

b) Conference on Co-ordination of Services for Children & Youth, Toronto

> Judge W.L. Durham Judge A.J. Fuller Judge D.F. Kent

c) Ontario Association of Children's Aid Societies

Judge D.A. Bean

d) O.I.S.E. Conference, Toronto

Judge D.F. Kent

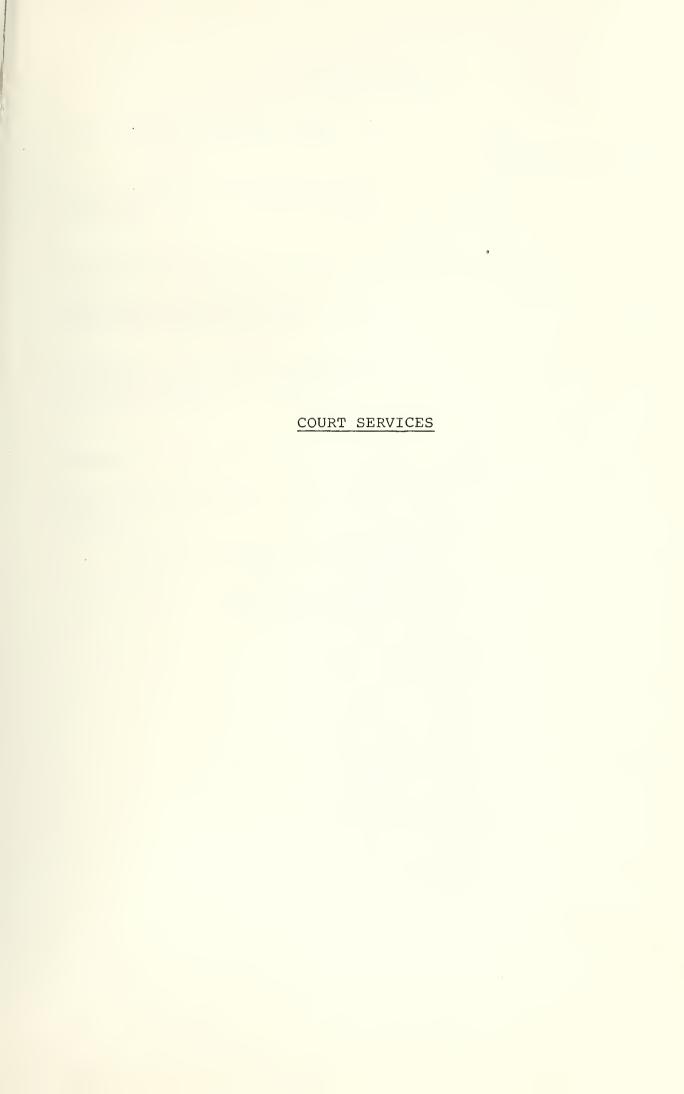
Sept., 1978 - a) Canadian Association of Provincial Court Judges - 5th Annual Meeting, Calgary

Chief Judge H.T.G. Andrews

b) 10th Congress of International Association of Youth Magistrates, Montreal

Chief Judge H.T.G. Andrews and 35 Judges.







COURT SERVICES

NO. OF FAMILY COURT OFFICES	(Plus the Unified Family Court)
No. OF LOCATIONS IN WHICH COURTS ARE HELD	112
	0
COURT STAFF APPOINTED JUSTICES OF THE PEACE DURING THE YEAR	6
JUSTICES OF THE PEACE AUTHORIZED TO PERFORM MARRIAGE CEREMONIES DURING THE YEAR	21

NEW ACCOMMODATION WAS PROVIDED FOR COURTS IN:

BELLEVILLE (County of Hastings)

NAPANEE (Counties of Lennox and Addington)



OFFICE OF THE CHIEF JUDGE



STAFF

CHIEF JUDGE H. T. G. ANDREWS

ASSOCIATE CHIEF JUDGE R. J. K. WALMSLEY

LAW CLERK	• • • • • • • • • • • • • •	R.	N. KOMAR
EXECUTIVE	ASSISTANT	D.	PROSSER
SECRETARY	TO THE JUDGES	P.	СНИ
RESEARCH	OFFICER	Ο.	LEITCH
CLERICAL	ASSISTANT	Μ.	WILLIS

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ACTIVITIES OF THE CHIEF JUDGE

COMMITTEES:

Acts as chairman and/or member of the following Committees:

Accommodation

Board of Consultants, Centre of Criminology, University of Ottawa Board - Metro Toronto Family Court Conciliation Project

Committee of the Bench and Bar

County of York Law Association (Honourary Member)

Family Court Clinic Resources Committee

Judicial Advisory Council

Judicial Council

Justice of the Peace Review Council

National Associations Active in Criminal Justice

National Council of Juvenile Court Judges (U.S.A.)

National Council on Crime and Delinquency (U.S.A.)

Rules

Task Force on Child Welfare Act Rules

Task Force on Family Court Clinics

OFFICIAL FUNCTIONS:

Attend and participate in Swearing-in Ceremonies of new Family Division Judges. Guest at Swearing-in Ceremonies for new Judges of County and Supreme Courts. Participate in functions for retiring Judges of Family Court and Supreme Court.

Guest at functions of Benchers and of members, Law Society of Upper Canada.

Guest and/or resource person at functions of national and Ontario Branch, Canadian Bar Association.

Participant at opening ceremonies for new Courts and at New Year and Fall dedication ceremonies.

RESOURCE, LIAISON AND TRAINING:

To other committees and officials in government and in the private sector.

Occasional lecturer to various professional and student groups.

Resource person to Unified Family Court Pilot Project.

Arrange, prepare for and conduct meetings of Senior Judges.

Training of Judges of Family Courts in Ontario and a resource person for training of Judges in other provinces.

ANCILLARY DUTIES:

General supervision of office staff.



ACTIVITIES OF THE OFFICE OF THE CHIEF JUDGE

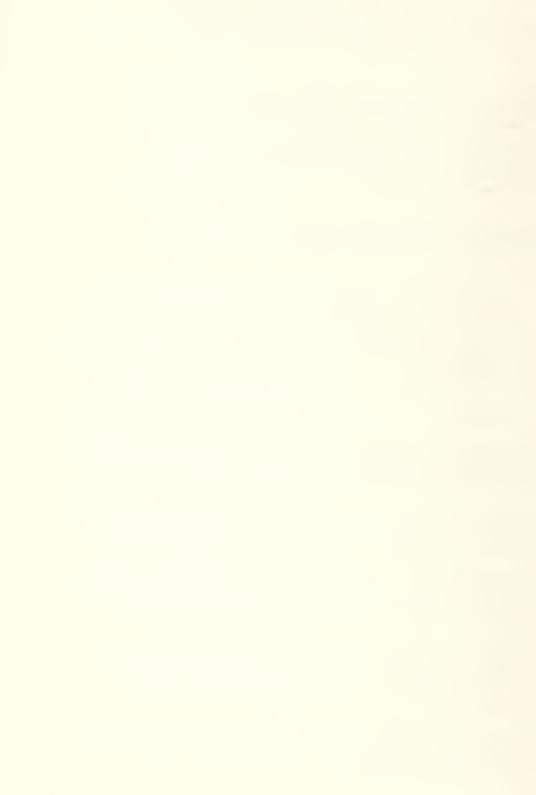
In addition to the duties surrounding their primary responsibility for Court scheduling, the Chief Judge and his Staff carried out the following activities during the year:

- Acted as legal reference source for Judges and Court Administrators, providing, on request, replies in oral or written form. (Includes preparation of statistical analyses, memoranda of legal opinion, interpretation of statutorily required procedures, etc.)
- 2. Held meetings, answered correspondence, supplied reference material or gave information on telephone to:

Ministries - Government of Ontario
Ministries - other Provincial Governments
Municipal Governments
Local Riding offices of the members of
the Legislative Assembly
Public
Students (High School, Community College,
University)
Media

- 3. Continued liaison with Family Benefits Branch,
 Ministry of Community and Social Services on
 the Parental Support Program.
- 4. Acted as resource for personnel of Children's Services Division, Ministry of Community and Social Services on matters including:

 Transfer of jurisdiction over detention homes, improvement of utilization of courtroom time, production of rules for the revised Child Welfare Act, implementation of the Act.
- 5. Participation in the Director of Provincial Court Offices' Committee on Standardization of Procedures in Provincial Courts (Family Division) offices.
- 6. Arranged authorization for Court Administrators to perform marriages and transmitted the requisite documents.
- 7. Continued publication of "The Quill and Wig". (Judges' Association Quarterly.)



OFFICE OF THE CHIEF JUDGE

PROJECTS - REPORTS - MEMORANDA - PROCEDURAL AIDS - PREPARED DURING THE FISCAL YEAR

- Survey of Services in the Provincial Courts (Family Division) 2nd ed.
- 2. Financial Reports of the Provincial Courts (Family Edition)
- 3. Maintenance Assessment Form Revised and circulated to 170 subscribers.
- 4. Statute Binders New edition of inserts to 202 subscribers.
- 5. Report on methods of service under the Family Law Reform Act.
- 6. 'Directory of Provincial Judges and Courts' New edition sent to 513 subscribers.
- 7. Commissioners Appointments Collection of Judicial recommendations for appointments.
- 8. Summary of schedules, routes and mileage for circuit Judges serving the Family Division.
- 9. Analysis of judicial role in administration.
- 10. Survey on methods for releasing persons after payment of arrears. (Family Law Reform Act)
- 11. Recommendations on revised statistical format.
- 12. Factors relevant to the substantiation of the need for additional judiciary.
- 13. Suitability criteria for persons conducting special examinations.
- 14. Availability of translation services for French Divorce Orders.
- 15. Twenty day Judicial Activity Study.
- 16. Duration of Custody and Wardship cases over a six month period.
- 17. Restitution payments to schools.



18. QUESTIONNAIRES:

TO JUDGES:

- On Experience '78 requirements

TO ADMINISTRATORS:

- Maintenance Assessment Form (circulation list)
- Fiscal Year Report
- Casual Staff
- Telephone Directory changes
- Special activities of the Court (For Minister's Annual Report)
- Judicial Schedules.
- 19. Twenty-nine memoranda were composed and circulated to all Family Division Administrators.

Forty-seven memoranda were composed and sent to Family Division Judges.

- 20. Ninety Judgements were circulated to Judges of the Provincial Court (Family Division).
- 21. Composition and submission of the Annual Report, 1977 78.



OFFICE OF THE CHIEF JUDGE

ADDITIONAL ADMINISTRATIVE ACTIVITIES

TOTAL MAIL VOLUME

9,627

(Increase of 991 over the preceding year)

